

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER 1:07-CV-00953

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

Suggestion of Subsequently Decided Authority

Pursuant to Local Rule 7.3(i), the Duke University Defendants, Duke SANE Defendants, and Duke Police Defendants respectfully submit this suggestion of subsequently decided authority, without argument, to supplement their motions to dismiss in the above-captioned case. A copy of the United States Supreme Court's decision in *Ashcroft v. Iqbal* (No. 07-1015) is attached hereto as Exhibit 1.

Respectfully submitted, this 27th day of May, 2009.

/s/ Jamie S. Gorelick

Jamie S. Gorelick
District of Columbia Bar No. 101370
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Ave., N.W.
Washington, D.C. 20006
Telephone: (202) 663-6500
Facsimile: (202) 663-6363
Email: jamie.gorelick@wilmerhale.com

*Counsel for Duke University Defendants,
Duke SANE Defendants, and Duke Police
Defendants*

/s/ J. Donald Cowan, Jr.

J. Donald Cowan, Jr.
N.C. State Bar No. 0968
Ellis & Winters LLP
333 N. Greene Street, Suite 200
Greensboro, N.C. 27401
Telephone: (336) 217-4193
Facsimile: (336) 217-4198
Email: don.cowan@elliswinters.com

*Counsel for Duke University Defendants
and Duke Police Defendants*

/s/ Dan J. McLamb

Dan J. McLamb
N.C. State Bar No. 6272
Yates, McLamb & Weyher, LLP
421 Fayetteville Street, Suite 1200
Raleigh, N.C. 27601
Telephone: (919) 835-0900
Facsimile: (919) 835-0910
Email: dmclamb@ymwlaw.com

Counsel for Duke SANE Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2009, I electronically filed the foregoing Suggestion of Subsequently Decided Authority with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for the Plaintiffs

Robert C. Ekstrand

Email:rce@ninthstreetlaw.com

Counsel for City of Durham and Edward Sarvis

Reginald B. Gillespie, Jr.

Email: rgillespie@faison-gillespie.com

Counsel for Patrick Baker, Steven Chalmers, Ronald Hodge, Lee Russ, Stephen Mihaich, Beverly Council, Jeff Lamb, Michael Ripberger, and Laird Evans

Patricia P. Kerner

Email: tricia.kerner@troutmansanders.com

D. Martin Warf

Email: martin.warf@troutmansanders.com

Hannah Gray Styron

Email: Hannah.styron@troutmansanders.com

Counsel for James T. Soukup, Kammie Michael, David Addison, Richard D. Clayton

James B. Maxwell

Email: jmaxwell@mfbpa.com

Counsel for Mark Gottlieb

David W. Long

Email: dlong@poynerspruill.com

Eric P. Stevens

Email: estevens@poyners.com

Counsel for Benjamin Himan
Henry W. Sappenfield
Email: hsappenfield@kennoncraver.com

Joel Miller Craig
Email: jcraig@kennoncraver.com

Counsel for DNA Security, Inc., Richard Clark
Kearns Davis
Email: kdavis@brookspierce.com

Robert James King, III
Email: rking@brookspierce.com

Counsel for J. Wesley Covington
Kenneth Kyre, Jr.
Email: kkyre@pckb-law.com

Linwood Wilson, pro se
Email: redacted

Brian Meehan
Paul R. Dickinson, Jr.
Email: pauldickinson@lewis-roberts.com

James Avery Roberts, III
Email: jimroberts@lewis-roberts.com

This 27th day of May 2009.

/s/ Jamie S. Gorelick
Jamie S. Gorelick

Attorney for Duke University, Duke University Police Department, Duke University Health System, Inc., Private Diagnostic Clinic, PLLC, Richard Brodhead, Peter Lange, Larry Moneta, John Burness, Tallman Trask, Aaron Graves, Robert Dean, Leila Humphries, Phyllis Cooper, William F. Garber, James Schwab, Joseph Fleming, Jeffrey O. Best, Gary N.

Smith, Greg Stotsenberg, Robert K. Steel, Tara
Levicy, Theresa Arico, July Manly, Allison
Halton, Matthew Drummond, Stephen Bryan,
Suzanne Wasiolek, Victor J. Dzau